

REMARKS

Claims 1 and 3-7 are pending in the application. The position set forth in the Office Action has been carefully considered. Reconsideration is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

Applicant acknowledges with appreciation the allowance of claims 3-7.

Applicant believes that claim 1 is also in condition for allowance for at least the reasons set forth below.

II. REJECTION OF CLAIM 1 UNDER 35 U.S.C. § 112

Claim 1 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully disagrees.

Initially, one of the features in claim 1 which was added in the Amendment A (May 9, 2005) had originally been recited in claim 2. See, original claim 2 shown in Preliminary Amendment filed on January 20, 2004. In addition, support for the claimed feature at issue is found at, for example, page 6, lines 1-14 of the present specification. Therefore, the rejection is improper. Withdrawal of the rejection is respectfully requested.

III. REJECTION OF CLAIM 1 UNDER 35 U.S.C. § 103(a)

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of U.S. Patent No. 4,891,476 ("Nation") and U.S. Patent No. 6,525,284 ("Latwesen"). Claim 1 is believed to be allowable over the cited art. Withdrawal of the rejection is respectfully requested.

According to the "Response to Arguments" section of the action, the Examiner seems not to have taken into account the newly added feature in claim 1 because the claimed feature at issue is allegedly lacking its support in the specification. However, as set forth above in section II of this paper, the claimed feature at issue is described in the present specification. Therefore, such a limitation supported by the specification must be considered when assessing the patentability of the claimed invention.

The Latwesen patent fails to teach or suggest forming the cam follower by a plastomer which satisfies a specific relationship of elasticity relative to that of an elastomer. The Latwesen patent does not even recognize the difference between the plastomer and the elastomer. Rather, Latwesen merely suggests "elastically deformable plungers" in general.

By contrast, the claimed invention requires specific elasticity for a plastomer used in forming the cam follower. Such claimed feature should be fully taken into account in order to distinguish the invention from the cited reference. Mere generic description regarding an elastically deformable element in Latwesen cannot be said to reasonably teach the claimed feature which requires specific elasticity for forming a cam follower.

Therefore, it is respectfully submitted that the Office Action does not set forth a prima facie case of obviousness for claim 1. Withdrawal of the rejection of claim 1 is respectfully requested.

IV. CONCLUSION

Applicant believes that all pending claims are in condition for allowance, and respectfully requests a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-663-1100, ext. 245.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



Haruo Yawata
Limited Recognition under 37 CFR § 10.9(b)

P.O. Box 70250
Oakland, CA 94612-0250
Tel: 510-663-1100, ext. 245